

McNally, Stephanie

From: Paul Ledenko <paul.ledenko@amg.com>
Sent: Tuesday, September 15, 2020 10:21 AM
To: McNally, Stephanie; Trianovich, Amanda
Cc: Reynolds, Susan
Subject: 3 Snowflake Lane
Attachments: 3 Snowflake Survey.PDF; GIS Maps.pdf

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Hi Stephanie/Amanda,

I just spoke with Sue and her suggestion was to include the following to my variance application/file.

We have received confirmation from Planning and Zoning (Sue Reynolds) that our existing tennis court and attached deck are legalized pursuant of state statute (CGS 8-13a), based on the 2005 and 2013 Town GIS Maps as 3+ year old evidence. We are still well below the coverage limits with these two legalized structures. Please see attached maps, current survey and email chain below.

From: Reynolds, Susan <SREYNOLDS@westportct.gov>
Sent: Wednesday, August 19, 2020 11:46 AM
To: Paul Ledenko <paul.ledenko@amg.com>
Subject: RE: 3 Snowflake Lane request

EXTERNAL MESSAGE

Hi Paul,

Please accept my apology for the original reply that I sent – I was rushed and forgot that in the 33 years I've been working here the State Statute changed from just buildings to also include structures. What I was probably thinking of was that the statute only grandfathered setbacks, not coverage, but that was not what you were asking and probably isn't an issue here anyway. We only count 50% of the tennis court as coverage and yours is so old I don't think it would have been an issue back then.

I agree that the setbacks for the deck and tennis court are not an issue since they've been there more than three (3) years as evidenced by GIS.

Sorry again for the confusion.

Stay safe!

Sue

From: Paul Ledenko <paul.ledenko@amg.com>
Sent: Tuesday, August 18, 2020 5:07 PM
To: Reynolds, Susan <SREYNOLDS@westportct.gov>
Subject: RE: 3 Snowflake Lane request

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Hi Sue,

Sorry for the delayed response.

Tennis Court - I took your suggestion to speak to someone about legalizing our tennis court, but I seem to be getting conflicting information. They suggest CGS 8-13a covers non-conforming structures, which are specifically defined in the statute to include tennis courts. This firm specializes in zoning issues and is Westport based and focused. With that all said, you work for the town so I have to believe you are correct. I'm not sure what I should do, and was curious if you had any suggestions?

Deck – I wanted to close the loop on this. You said if the deck was attached to the house then it would be legalized by statute 8-13a. The deck is attached but I wasn't sure what the next steps are. Do you need picture or does someone from the town come to look at it? I wanted to confirm if there is anything else you need from me to legalize the deck.

As always, thank you so much for your help!

Best,
Paul

From: Reynolds, Susan <SREYNOLDS@westportct.gov>

Sent: Thursday, August 6, 2020 5:36 PM

To: Paul Ledenko <paul ledenko@amg.com>

Subject: RE: 3 Snowflake Lane request

EXTERNAL MESSAGE

Please accept my abject apology for not being able to get back to you sooner.

Unfortunately, I was run ragged today and will be working from home again until next Tuesday.

If there's anything I can do for you from home please let me know and if you need someone to pull the file to look for something then you can just call the main number at 203-341-1030 to have someone help you.

I pulled the file to look at it quickly and the tennis court is shown as already existing when a zoning permit was issued on 3/16/83 for enlarging the kitchen.

I'm sorry to have to report that in one of the many moves when I was bounced around the office, I misplaced my "cheat sheet" that reminded me of when tennis courts and pools, among other things, started to be regulated. I did, however, find a 1995 memo from Kathy Barnard, the P&Z Director at the time, which states that in 1976 the P&Z commission determined that tennis courts are accessory structures that must meet the setbacks. Apparently, prior to 1978 they weren't mentioned in the regulations but were considered accessory structures by the staff since the early 1970's.

There is an old 8/7/70 zoning permit for a horse stable and the site plan does NOT show the tennis court at that time so it was built somewhere between 1970 and 1983. You may want to speak to an attorney about the tennis court to see whether having it show up on a zoning permit form and approved site plan is sufficient to legalize it.

Sorry I couldn't be more help.

Sue

From: Paul Ledenko <paul ledenko@amg.com>
Sent: Friday, July 31, 2020 5:21 PM
To: Reynolds, Susan <SREYNOLDS@westportct.gov>
Subject: RE: 3 Snowflake Lane request

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Thanks you Susan! Trust me I know the limitations of working from home, and I appreciate your help with all of this as I'm sure it's not easy, especially with the volume of requests.

To answer your questions:

- 1) The deck is attached to the house. Please let me know if you would like anything else, perhaps photos?
- 2) I'm not exactly sure when the tennis court was built, but I have a survey from March 10, 1983 that shows the tennis court on the property.

I'll give you a call Tuesday before 1:30 - if there is a specific time that works best please let me know? Thanks again for all your help and I hope you have a wonderful weekend!

Best regards,
Paul

From: Reynolds, Susan <SREYNOLDS@westportct.gov>
Sent: Friday, July 31, 2020 5:12 PM
To: Paul Ledenko <paul ledenko@amg.com>
Subject: FW: 3 Snowflake Lane request

EXTERNAL MESSAGE

Dear Mr. & Mrs. Ledenko,

Based on both the survey and the Town GIS mapping system it does appear that the tennis court and deck have been located in the required setbacks more than three (3) years but State Statute 8-13a only applies to buildings.

I'm working from home with limited ability to see the details on the plans and have not been to the property so don't know whether or not the deck is attached to the house. If it is then we consider it a part of the house and legalized by 8-13a.

The tennis court, however, is not covered by the same statute. It is clear from looking at the 1990 aerials that the tennis court existed back then. I do not have my notes at home as to when zoning started regulating tennis courts but if the tennis court was installed before zoning regulated them then it would be pre-existing non-conforming.

Do you have any idea when the tennis court was built? If you want to give me a call when I'm in the office either Tuesday or Thursday before 1:30 I may be able to find out when we started regulating tennis courts. My office number is 203-341-1082.

I hope that this information was of some help to you.

Sincerely,

Sue Reynolds
Zoning Official

From: Paul Ledenko <paul ledenko@amg.com>
Sent: Monday, July 20, 2020 2:23 PM
To: Young, Mary <maryyoung@westportct.gov>
Subject: 3 Snowflake Lane request

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Dear Ms. Young,

I hope you are well and staying cool in this heat.

My wife and I have been the current owners of 3 Snowflake Lane since 2008. While having our property surveyed, we recently discovered our tennis court and deck were outside property setbacks requirements. We wanted to request legalization of the existing tennis court and attached deck pursuant to CGS 8-13 a, based on the 2005 and 2013 Town GIS Maps as 3+ year old evidence. Please see attached maps and current survey.

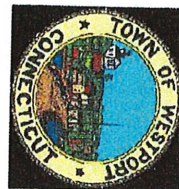
If you have any questions or require additional information please contact me any time on my cell 516-713-2010 or at paul ledenko@amg.com. Thank you in advance for your help and attention to this matter.

Very best,
Kristen and Paul Ledenko
3 Snowflake Lane
Westport, CT 06880
516-713-2010

Paul Ledenko
Managing Director | Head of Sales

AMG Funds
600 Steamboat Road, Suite 300, Greenwich, CT 06830
Direct: 203 299 3554
Mobile: 516 713 2010





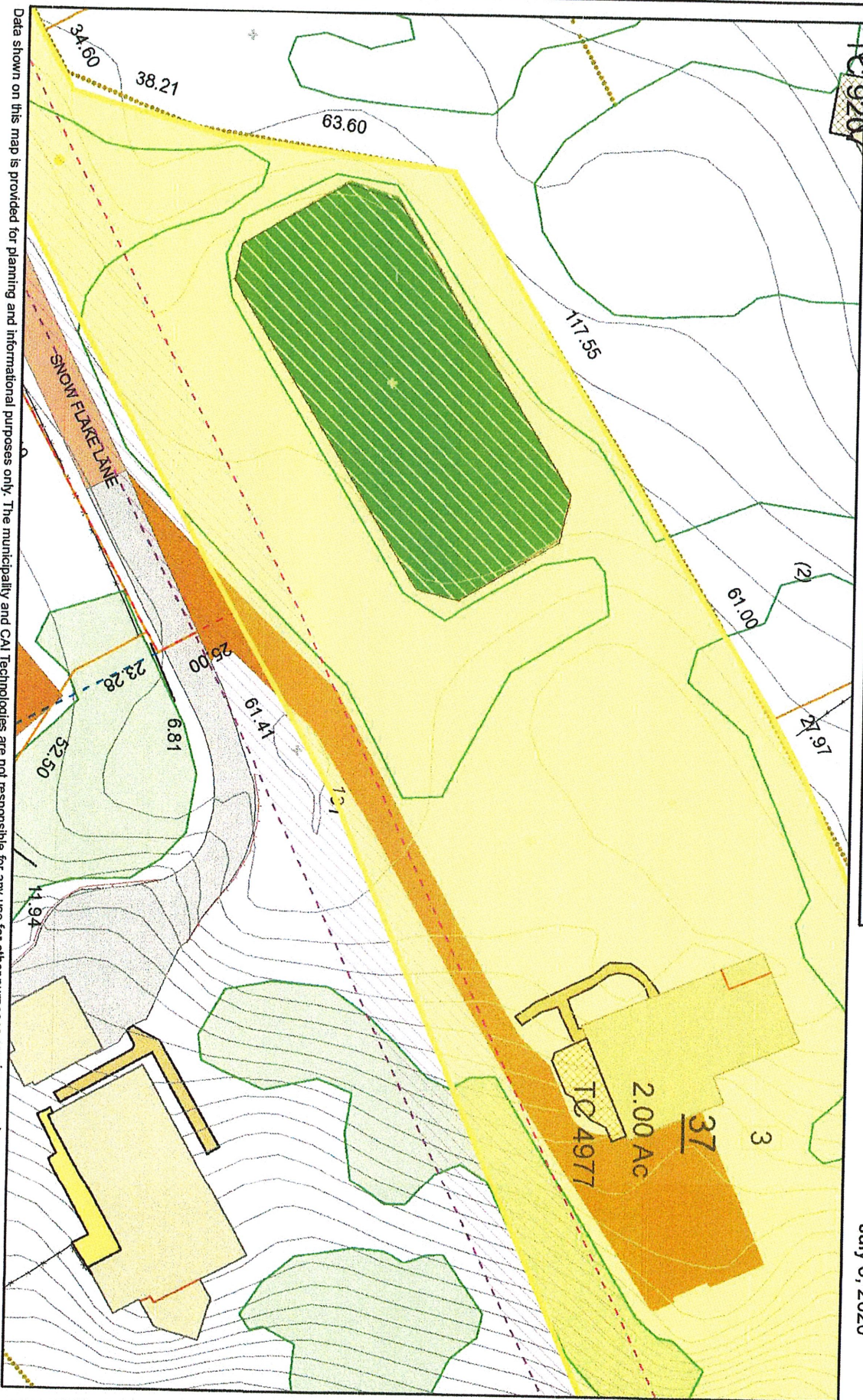
3 Snowflake Ln - 2013 Town GIS

Westport, CT

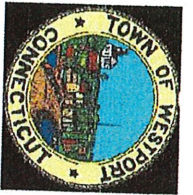
1 inch = 40 Feet



July 3, 2020



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3 Snowflake Ln - Town 2005 GIS

Westport, CT

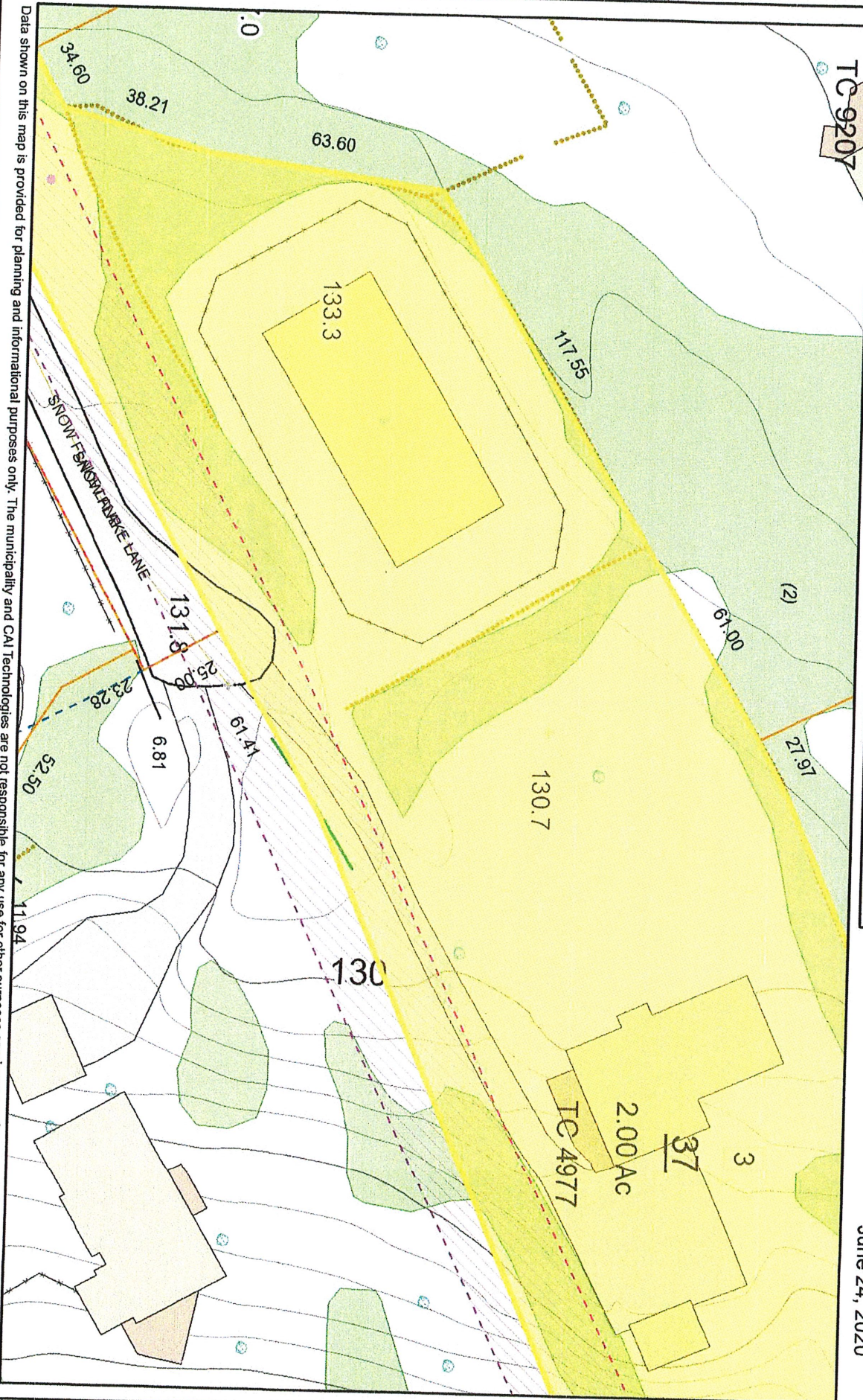
1 inch = 40 Feet



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